

FINAL ENVIRONMENTAL ASSESSMENT

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION PUBLIC SAFETY BUILDING

**FEMA Chemical Stockpile Emergency Preparedness Program
July 2005**



FEMA

TABLE OF CONTENTS

1.0	INTRODUCTION	1
2.0	PURPOSE AND NEED FOR ACTION	2
3.0	ALTERNATIVE ANALYSIS	3
3.1	ALTERNATIVE 1 – STANHOPE SITE (PREFERRED ACTION)	3
3.2	ALTERNATIVE 2 – WILDHORSE SITE	4
3.3	ALTERNATIVE 3 -- NO ACTION ALTERNATIVE	5
3.4	ALTERNATIVES NOT CARRIED FORWARD	5
4.0	AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES	6
4.1	CLIMATE, GEOLOGY AND SOILS	6
4.2	WATER RESOURCES	8
4.3	VEGETATION	9
4.4	WILDLIFE, LISTED SPECIES AND CRITICAL HABITAT	10
4.5	HISTORIC, ARCHAEOLOGICAL AND CULTURAL RESOURCES	11
4.6	TRANSPORTATION	12
4.7	HAZARDOUS WASTES AND MATERIALS	13
4.8	SEISMIC SAFETY (EO 12699)	15
4.9	SOCIOECONOMIC AND ENVIRONMENTAL JUSTICE (EO 12898)	15
4.11	LAND USE	16
5.0	CUMULATIVE IMPACTS	18
6.0	PUBLIC INVOLVEMENT	19
7.0	REQUIRED PERMITS, APPROVALS AND COMPLIANCE ..	20
8.0	CONCLUSION	20
9.0	REFERENCES	22
9.1	GENERAL	22
9.2	MAPS	22
9.3	SITE INFORMATION	23
10.0	APPENDIX A – PUBLIC NOTICE	24
	APPENDIX B - PUBLIC COMMENT LETTERS	25

LIST OF FIGURES

Figure 1.0-1:	Map of Umatilla Indian Reservation in relation to the Umatilla Chemical Depot.	1
Figure 1.0-2:	Map of Umatilla Indian Reservation with the Stanhope Site (project area) pointed out.	2
Figure 3.1-1	Master Site Plan of the Umatilla Governance Center and Public Safety Building for the Stanhope Site.	3
Figure 3.1-2	Proposed Public Safety Building Site Plan.	4
Figure 3.4-1	Map of other Sites considered for the Umatilla Governance Center and Public Safety Building location.	5

1.0 INTRODUCTION

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR), has applied through the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) for assistance to construct a Public Safety Building and Emergency Operations Center of the Umatilla Indian Reservation. The existing police station would be replaced by a larger and strategically located facility to provide enhanced and more cost effective emergency services to protect the Reservation's Indian people and their property.

FEMA is proposing to fund \$1.4 million towards the cost of this project through the Chemical Stockpile and Emergency Preparedness Program (CSEPP). The CSEPP assists communities impacted by the U.S Army's Umatilla Army Depot, located near Hermiston, Oregon. The facility is currently in the process of destroying 200,000 chemical warfare munitions.

The National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] Parts 1500 through 1508), and FEMA regulations for NEPA compliance (44 CFR Part 10) direct FEMA and other federal agencies to fully understand and take into consideration environmental consequences of proposed federal actions (projects). In compliance with NEPA and its implementing regulations, FEMA prepared this Environmental Assessment to analyze potential environmental impacts of the Preferred Action and alternatives. The Umatilla Indian Reservation is located in Umatilla County and is immediately East of the city of Pendleton and south of Athena (see Figure 1.0-1 and Figure 1.0-2).

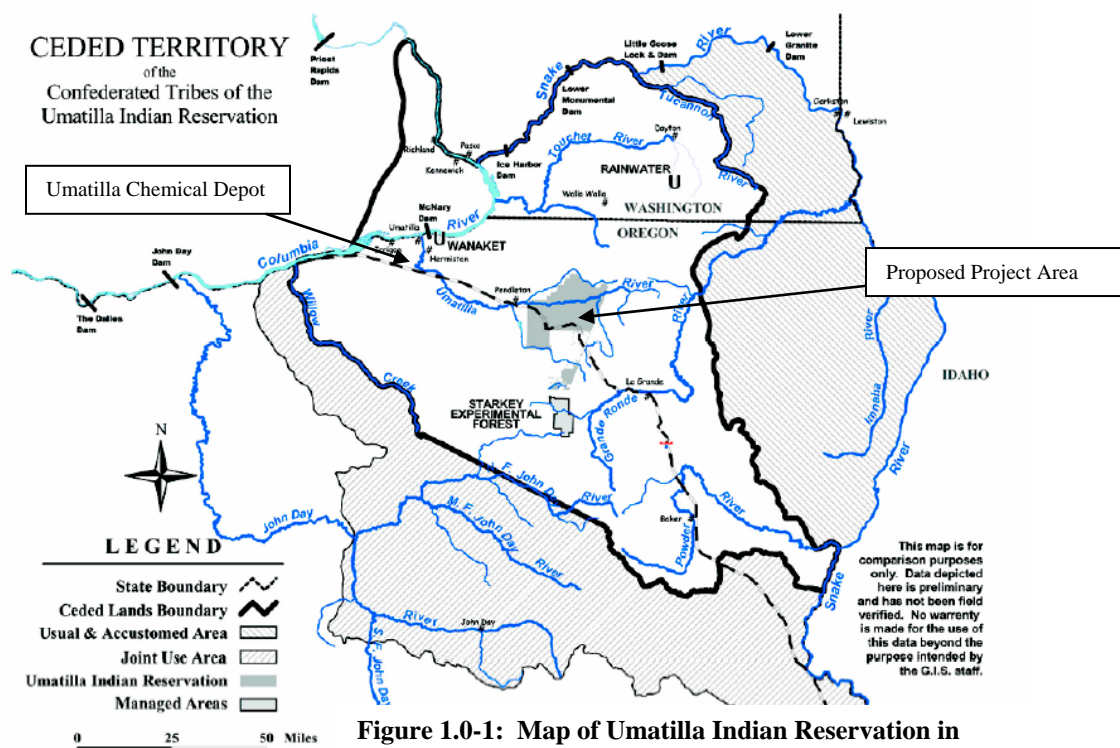


Figure 1.0-1: Map of Umatilla Indian Reservation in relation to the Umatilla Chemical Depot

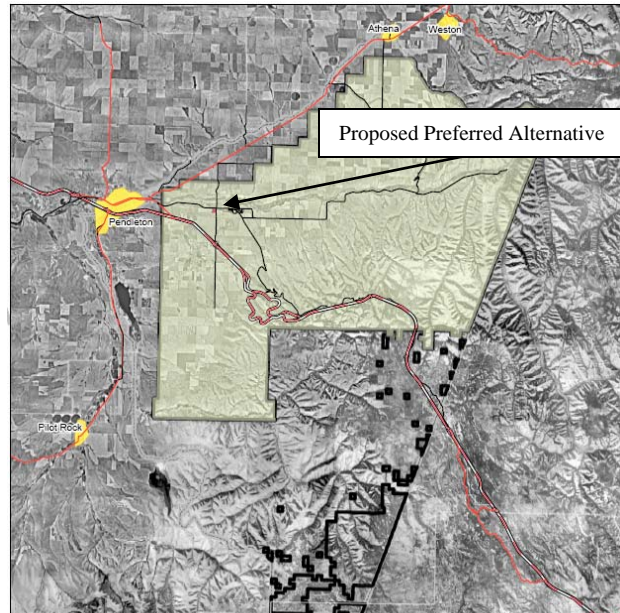


Figure 1.0-2: Map of Umatilla Indian Reservation with the Stanhope Site (project area) pointed out.

2.0 PURPOSE AND NEED FOR ACTION

The objective of the U.S Army/FEMA’s Chemical Stockpile and Emergency Preparedness Program (CSEPP) is to enhance emergency response efforts aimed at protecting the local communities from accidental release of the chemical agents stored at U.S. Army Chemical Depots. The CTUIR reservation and ceded lands are located adjacent to the Umatilla Chemical Depot, which stores and burns chemical weapons. Through the CSEPP program, FEMA provides grants to the state of Oregon, the local governments and tribal governments to fund emergency preparedness planning and related projects.

The CTUIR ceded lands, where tribal members work and conduct traditional activities, fall within the potential influence of the chemical burn operation. The CTUIR has a need to be able to actively respond in a coordinated fashion to any incident originating from that operation. The current Police Department, Fire Department, Emergency Operations, Central Dispatch Services and Emergency Management are housed in various buildings throughout the reservation. These facilities are inadequate for handling the type of emergency generated from a Chemical Stockpile incident and do not facilitate an effective interoperable and coordinated response to members in the ceded lands area.

Based upon this assessment and previous scoping/needs assessments, CTUIR determined the need to develop a common facility for housing the Department of Public Safety (DPS), comprised of the fire, police and emergency management functions. This facility would need to be strategically located to most effectively coordinate the fire, police, and emergency functions.

3.0 ALTERNATIVE ANALYSIS

The CTUIR considered 11 total alternative sites in meeting their need for a common DPS facility strategically located to serve the reservation. This evaluation was conducted as part of their larger plan to develop a Government Office complex (see Umatilla Governance Center Master Plan). Based upon the site analysis conducted by the Innovative Emergency Management, Inc., and documented in their report, “Design for the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Emergency Operations Center (EOC), two sites were selected for further consideration by the CTUIR Planning Department.

3.1 Alternative 1 – Stanhope Site (Preferred Action)

Under Alternative 1, the CTUIR would build a new facility on 29 acres that includes two parcels. These two parcels are described as tax lots # 1100 and 1200 located in the Northeast quarter of the Southeast quarter of Section 9, Township 2 North, Range 33 East, W.M. (approx. 45.6649N, -118.6852W). The acreage’s for the subject properties are 18.03 acres m/l for tax lot # 1100 and 10.70 acres m/l for tax lot # 1200. The site is owned by the CTUIR and located southwest of the Mission/Highway 331 intersection, above the landform known locally as the “bench”. This site is currently farmed for agricultural production and contains an existing residential dwelling and barn.

The Proposed Action would replace the existing Police Station with a new Public Safety Building. The Emergency Operations Center function would combine with police, emergency management and the central dispatch services. Certain first responder and HAZMAT vehicles would also be housed. The new facility will provide adequate secure space for weapons, interviews, conducting investigations, holding persons, property and evidence including impounded vehicles that does not now exist at the current Police Station. Construction would consist of connecting the site to the existing Mission water and sewer lines and developing an access road from Highway 331 to the building site. Site preparation would include removal of the existing home, minimal grading and the installation of necessary utilities.

The site plan includes the proposed full build out of the site to include the Tribal government facilities that would be constructed in phases. The first phase, using FEMA funds, would build the Public Services Building on the 11 acre parcel in the southern section of the property. Additional proposed phases (non-FEMA funded) include a Tribal Governance Building, Department of Natural Resources, Community Outreach building and a Public Works Complex (See Figure 3.1-1 and Figure 3.1-2). This site has been rezoned to Public Use District to permit the planned use on the site. On April 18, 2005 the Board of Trustees rezoned the Stanhope Property to allow the Public Safety Building and other government facility buildings to be built on the site consistent with the Umatilla Master Government Center Plan planned uses.

The CTUIR is also working with Jones & Jones Architects to use Green Strategies in the building and landscape design to reduce operational costs and sustain an ecologically balance project. The CTUIR intends to design the structure so that it is friendlier to the

environment and saves money by reducing energy costs. On April 18, 2005 the CTUIR and Jones and Jones Architects convened a “Green Building Design Charette” to bring together the design team, electrical, mechanical and plumbing sub-contractors, Council of Energy Resource Tribes and other technical experts to determine the most workable energy efficient techniques and renewable energy systems that could be cost effectively incorporated into the Public Safety Building.



Figure 3.1-1 Master Site Plan of the Umatilla Governance Center and Public Safety Building for the Stanhope Site.

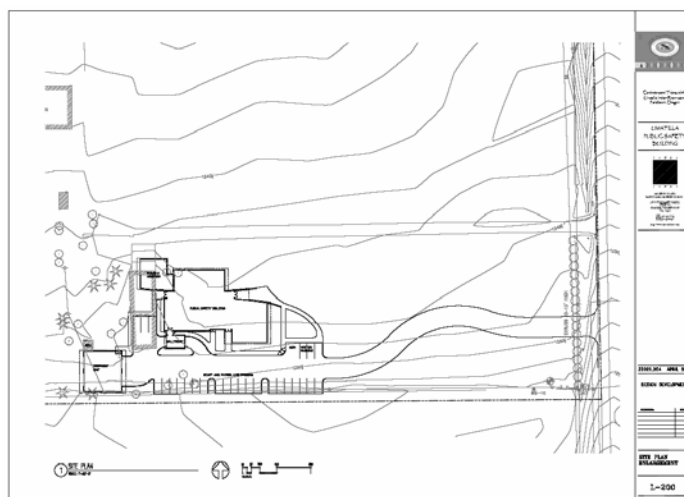


Figure 3.1-2 Proposed Public Safety Building Site Plan.

3.2 Alternative 2 – Wildhorse Site

Under Alternative 2, the CTUIR would construct a new Public Safety Building at the Northeast corner of Highway 331 and Wildhorse Resort Road, within the Umatilla Indian Reservation. The Public Safety Building would be of similar design and construction as

the one described in Alternative 1. The site consists of a flat 25 acre lot that is directly north of Wildhorse Resort and directly east of the Wildhorse golf course. Minimal grading and the installation of utilities would be required. The construction phase of the project would begin upon approval of funding and be complete within 12 months.

3.3 Alternative 3 -- No Action Alternative

Under the No Action Alternative, FEMA would not provide funding to the CTUIR for the development of the Public Safety Building. Existing conditions at current Police Station would continue and the residents of the Reservation would continue to be at risk with an inadequate Emergency Operation and Police facility.

3.4 Alternatives Not Carried Forward

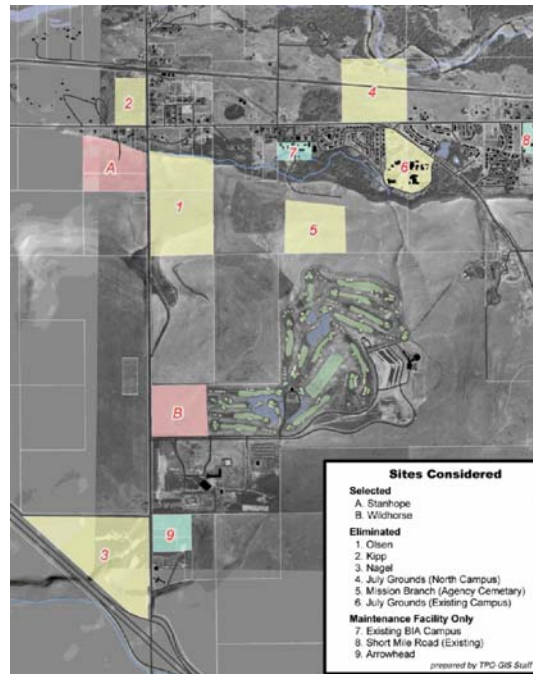


Figure 3.4-1: Map of other Sites considered for the Umatilla Governance Center and Public Safety Building.

Nine sites were evaluated and dismissed for various reasons. See Figure 3.4-1. Below is a summary of the sites evaluated and the reasons for elimination as reported in the Tribal Government Office Complex Site Assessments & Comparisons report.

1. Olsen – Site not owned by CTUIR and owner can dictate timing and terms of tribal development.
2. Kipp – Site not owned by CTUIR, well suited for commercial and industrial use, adjacent to railroad and industrial uses.
3. Nagel – distance to water and sewer, valuable commercial site, inconvenient access, incompatible surrounding uses.
4. July Grounds (North Campus) – Adjacent to railroad main line, estate and multiple ownership acquisition problems.

5. Mission Bench (Agency Cemetery) – Accessibility, distance to water and sewer, poor visibility.
6. July Grounds (Existing Campus) – Not large enough, incompatible with long-term goals and planned uses.
7. BIA Maintenance Facilities – Site too small, congested access, incompatible surrounding uses.
8. Existing Facilities Maintenance (Short Mile Rd.) – Site too small, incompatible with surrounding uses, inconsistent with long-term goals and planned use of the area.
9. Arrowhead – Ownership issues, distance to sewer and water.

4.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

4.1 Climate, Geology and Soils

Affected Environment

A study completed in January of 2005 by Jones & Jones Architects and Landscape Architects titled “Umatilla Governance Center Master Plan” discussed the Climate, Geology and Soils for the general project area as follows:

“The area currently and historically inhabited by the Umatilla, Cayuse and Walla Walla people lies within the Umatilla Plateau of northeastern Oregon. This lowland portion of the larger Columbia Plateau is sandwiched between the Blue Mountains on the East and the Cascade Mountains to the west. Born 10-17 million years ago, this broad, rolling landscape was formed when ancient lava flows cooled and solidified into bedrock now known as the Yakima Basalts. Further sculpted by ice age flooding 17,000 years ago, the region is characterized by rolling alluvial terraces varying in elevation between 1000’ and 1500’ above sea level. Today, the Plateau reads as a rolling, agricultural landscape punctuated by occasional low-density human settlements.

Isolated by mountains, but influenced by air movement along the Columbia River, the open and exposed Umatilla Plateau is subjected to a “Continental” climate with hot, dry summers and cold, windy winters. In the summer, high temperatures average 85 F with extreme temperatures extending to over 100 F. Due to the separation from the moist oceanic air posed by the Cascade Mountains, precipitation is minimal, averaging only 12 inches annually, leaving the area subject to occasional drought. During the summer, winds blow eastward from the cooler Cascades to the warmer Columbia basin, bringing moderate relief from the heat but also erosion of unstable topsoil and occasional damaging windstorms. In the winter, the region is chilled by cold air from the Columbia Basin blowing westward through the Columbia River Gorge. Low temperatures average 10 F and occasionally dip below 0 F. While precipitation results in an average of 20 inches of snow annually, the windswept landscape is occasionally subjected to blizzard conditions and frigid wind chill temperatures.”

Both alternative sites are entirely made of soil Pilot Rock silt loam, on 1–7% slopes. Pilot Rock silt loam is a moderately deep, well-drained soil on terraces. The moderate depth to the hardpan (a compact layer of hard clay or subsoil) and the moderate hazard of water erosion mainly limit the soil. This soil was formed in loess overlying cemented alluvium. The Preferred Action site has a top soil which has been subjected to years of agriculture which has loosened this soil, disturbed and lacking topsoil definition. The site slopes from the south to the north with 2 to 15 degree slope. A rock outcropping is located on the northern edge of the site creating a bench protecting the site from the 500 year flood plain. The Alternative 2 site is flat and contains similar characteristics as the Preferred Action site. Neither site contains mineral resources of local, regional, or state significance.

Alternative 1 – Stanhope Site (Preferred Action)

The Proposed Action is not anticipated to adversely impact geology or soil characteristics of the project area. A report submitted by Jones & Jones Architects and Landscape Architects in January 2005 confirms the soil is moderately deep, well-drained soil with a moderate depth to the hardpan (a compact layer of hard clay or subsoil) and the moderate hazard of water erosion mainly limit the soil. Due to the lack of clay in the soil, water permeability is moderate to depths of 27”, where it is slowed by the dense subsoils. The lack of soil cohesion on the site dictates that building and pavement design examine soil stabilization. Preliminary engineering recommends that subsoils either be modified with soil-cement admixtures or removed to the depth of existing stable gravel and then backfilled with compacted gravel. Frost depth at the site requires a minimum 24” foundation depth. Intensive farming has left the surface soil on the site loose and depleted of organic content. While the looseness allows plants to root to depths of 20”-40”, the condition results in low moisture and organic content in the soil. Planting design of the site will need to address this condition and strive to heal the soil through appropriate plant selection, irrigation and either soil amendment or replacement. Loss of vegetation may increase short-term soil erosion, but applying appropriate control measures during construction would mitigate this condition. An unknown amount of short-term dust may be created during construction activities, which would be an irreversible commitment.

Alternative 2 – Wildhorse Site

Construction activities for Alternative 2 would be typical of any construction project. Although an in-depth analysis for the site has not been performed, it is anticipated to have similar characteristics as Alternative 1. The project would be located in an area that has been used for agricultural practices and would require minimal clearing, and is not anticipated to have a significant impact. The alternative may create an unknown amount of short-term dust during construction activities, which would be an irreversible commitment.

Alternative 3 – No Action Alternative

Under Alternative 3, the geology and soils in the project area would not be affected because no construction would occur.

4.2 Water Resources

Affected Environment

The project area is located within the Mid-Umatilla River watershed of the Umatilla River Basin. No streams, wetlands or other natural sources of water are present for either alternative. The nearest significant body of water is the Umatilla River, located approximately $\frac{3}{4}$ mile north of the Stanhope property and 2 $\frac{1}{2}$ miles north of the Wildhorse property. A study by the U.S. Army Corps of Engineers in 1999 shows that neither property is located within the 500 year floodplain. A small stream crosses southeast to northwest the northern portion of the Stanhope property below the natural bench.

The overall topography for the alternatives is undulating slopes with gradual descent northward to the Umatilla River. The Stanhope property slopes from south to north at 2 to 15% gradient. Two drainage channels originate near the center of the property and drain north and northwest. The Wildhorse property is relatively flat with a slight ridge in the center. No drainage features are present. Due to the annual rainfall and types of soil in the area, rainfall typically infiltrates on site with minimal surface drainage.

The Stanhope property contains two functioning wells, one for domestic use and one for irrigation. The Wildhorse property has no wells.

Environmental Consequences

Alternative 1 – Stanhope Property

The Stanhope Property is located outside the 500 year floodplain and has no potential to affect or be affected by the floodplain. Shanna Olson of the CTUIR Water Resources Department indicated in a memo dated November 18, 2004, that the Preferred action alternative is situated on top of a bench and that there is no inventoried wetlands located in this area as indicated by the National Wetland Inventory. No further analysis is required and implementation of this alternative would be in compliance with Executive Order 11988, Floodplain Management and Executive Order 11990, Wetlands.

The potential exists for stormwater runoff from increased impervious surfaces. This runoff would be minimal, except during spring snowmelt when the soils become saturated. Current plans are to minimize the runoff on site through the use of swales and detention areas that blends in to the overall site design. Construction related erosion and runoff would be in conformance with the Uniform Building Code adopted by the CTUIR.

The new facility would connect to existing potable water and sewer systems. No impacts are identified on these systems as both are capable of handling the increase demands. The use of the existing water system would eliminate the need for the domestic well. Current plans are considering the use of the domestic well for irrigating the grounds of the DPS. Any changes to the existing wells would require a permit from the CTUIR Water Resources Department.

Alternative 2 – Wildhorse Property

The Wildhorse Property is located outside the 500 year floodplain and has no potential to affect or be affected by the floodplain. No wetlands were identified on the site. No further analysis is required and implementation of this alternative would be in compliance with Executive Order 11988, Floodplain Management and Executive Order 11990, Wetlands.

Stormwater runoff impacts and minimization measures are the same as Alternative 1 as are impacts to potable water and sewer systems. However, no wells exist on this property.

Alternative 3 – No Action

The CTUIR would continue to operate its existing facilities and functions as they are today. The response to flooding events may become hampered by the location of the existing facilities near the Umatilla River floodplain due to increases in the flood levels caused by development and manmade changes to the upper watershed. No impacts would change for surface runoff or other water related resources.

4.3 Vegetation

Affected Environment

The Preferred Action site contains mostly agricultural fields with a small grove of deciduous trees near the existing house. Removal of vegetation, including some if not all of the trees surrounding the existing house would be required prior to construction. Plants native to the Pacific Northwest would be used for the landscape areas.

The Wildhorse site is covered by agricultural fields only. There is no other vegetation on the parcel itself.

Environmental Consequences:

Alternative 1 – Stanhope Site (Preferred Action)

There is no anticipated impact to the removal of existing vegetation from the site. The Master Plan for the site conducted in January 2005 indicates that the development of the site should incorporate native grasses and sagebrush punctuated with deciduous trees following its transitional location between the steppe and the river valley. Evergreen trees and shrubs may be incorporated as a secondary plant palette, making reference to the distant mountains. Overall, the landscape of the Government Center should reflect the native ecology while incorporating planting as a transition between built forms and the natural environment.

Alternative 2 – Wildhorse Site

No potential impacts to vegetation at this site are anticipated. Upon completion of construction, native species to the area would be used to revegetate the site.

Alternative 3 – No Action Alternative

Under Alternative 3, no construction would occur. This alternative would not impact vegetation.

4.4 Wildlife, Listed Species and Critical Habitat

The two alternative sites are currently farmed and contain no riparian zones or native fish and wildlife habitat. The wildlife observed at these sites is a typical agricultural cover type. (Personal conversation with Carl Scheeler, CTUIR Wildlife Program manager, June, 16, 2005).

There are no Threatened or Endangered species present nor is there designated critical habitat for either alternative. In a Memorandum from Carl Scheeler, CTUIR Wildlife Program Manager, dated March 15, 2005, Mr. Scheeler states the preferred site does not contain suitable habitat for any Threatened or Endangered species. The only threatened species that would be suitable to this site would be the Northern Bald Eagle which is transitory and has not been documented on the Umatilla Indian Reservation. Both sites are currently located within the Pacific Flyway, but neither site contains suitable habitat for nesting or roosting.

Environmental Consequences:

Alternative 1 – Stanhope Site (Preferred Action)

Alternative 1 would have no effect on federally-listed threatened and endangered species or their critical habitat. This site is near areas of human habitation and has already been influenced by human activities. Since there are not any streams or fish-bearing habitat at the Proposed Action site, federal laws that protect species and habitat would not apply. The site does not fit the habitat criteria for waterfowl and does not have features associated with producing and rearing young waterfowl. CTUIR Wildlife Department determined the Preferred Action would not have an adverse affect on Threatened or Endangered species or their habitats.

Alternative 2 – Wildhorse Site

Alternative 2 would have no effect on federally-listed threatened and endangered species or their critical habitat. The site is near areas of human habitation and has already been influenced by human activities.

Alternative 3 – No Action Alternative

No construction would occur under the No Action Alternative and this alternative would not result in any impact on wildlife, listed species or critical habitat.

4.5 Historic, Archaeological and Cultural Resources

Consideration of impacts to cultural resources is mandated under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and requires federal agencies to take into account the effect of their actions on any district, site, building, structure, or object that may be potentially impacted by a proposed project. Impacts to archaeological and cultural resources also need to be addressed whenever any previously undisturbed area may be impacted, including excavation at construction sites. As defined in 36 CFR Part 800.16(d), the Area of Potential Effect (APE) “is the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist.”

The CTUIR Cultural Resources Protection Program conducted a Cultural Resources Survey of the preferred site and published a report of the findings on May 4, 2004. The purpose of this report was to survey and review the subject property for the possible location of the proposed Tribal Office Building Complex. The results of the survey conclude that no cultural resources were located on the subject property during the survey and that CRPP recommends shovel testing in the areas of the proposed project where buildings and infrastructure are to be placed and having a cultural resource monitor on site during ground disturbing activities.

The survey also concluded that there is a historic barn located adjacent to the southern boundary of the preferred site. This barn has not been documented with the National Register of Historic Places and will need to be evaluated and documented before the site is built. Also, due to the projects location to other historic sites, there may be view shed issues. This site is located near the Old Agency, historic homesteads, a Cemetery and activity sites.

A cultural resources investigation was also conducted at the Wildhorse site by the CTUIR for the development of the Umatilla Tribal Gaming Facility. The full report resulting from the investigation entitled “A Cultural Resource Inventory of the Proposed Interpretive Center and Gaming Facility Location of the Confederated Tribes on the Umatilla Indian Reservation, at Mission, Umatilla County, Oregon”, March, 1994 is available from the CTUIR. Three isolated finds were noted during the field work and no prehistoric or historic cultural material potentially eligible for nomination to the National Register of Historic Places were discovered during the site investigation.

Environmental Consequences:

Alternative 1 – Stanhope Site (Preferred Action)

No historic, archaeological or cultural resources were located on the Preferred Action site. A cultural resources monitor will be contacted before any ground disturbing or demolition activities occur. Should any potentially historic or archaeological significant materials be discovered during project construction or staging of equipment, all activities on the site shall be halted immediately and the CTUIR Cultural Resources Protection Program shall be contacted immediately. As a result of any finding of historic or archaeological significant materials the CTUIR shall follow the Policy and Procedure

Alternative 2 – Wildhorse Site

If this site is developed the CTUIR Cultural Resources Protection program would be consulted before construction begins.

Alternative 3 – No Action Alternative

The No Action Alternative would have no effect on historic, archaeological or cultural resources.

4.6 Transportation

The Master Plan and Site Assessments and Comparisons studies conducted by Jones & Jones Architects and Landscape Architects identified that both sites are easily available via the major arterial roads in the reservation, Highway 331, and readily welcome visitors who arrive by Interstate 84. The following paragraphs summarize the affected environment:

The Preferred Action site's central location allows bicycle and pedestrian access from the surrounding tribal residences, schools and businesses. As home to the proposed Public Safety Building, the site allows timely emergency access to all areas within the reservation, and especially convenient access to the areas most in need of emergency protection: the Casino/Resort property, Interstate 84 and the residential areas along Mission Road. Primary vehicular access from Highway 331 should be located within the south portion of the site where the grade allows easy passage and good visibility to and from the roadway. The proposed access has already been earmarked in the adopted CTUIR Transportation System Plan and Highway 331 Corridor Plan and meets the access spacing standards established by the Oregon Department of Transportation (ODOT). Under a second development scenario for the Stanhope property, a second access to the site would be established on Mission Road (approximately 1,250 feet west of the Mission Road/Highway 331 intersection).

Currently, there are topographical constraints north of the property that will make it difficult to access Mission Road from the site. There is also another property that separates the Stanhope property from Mission Road. It is understood that a street access to Mission Road may be possible in the future when the site is fully built out, but a new access will not be possible during the initial stages of the development. Therefore, it is imperative that a new access be established along Highway 331 for the Stanhope site. Several off-site improvements will be needed if the Stanhope site is selected for development. This will consist of establishing four-way stop control at the intersection of Highway 331/Mission Road when the first phase of the development is constructed. Ultimately, a traffic signal will be needed at this intersection at the time of the final phase of development. At the intersection of Highway 331/proposed access, a northbound left-turn lane will be warranted, with a southbound left-turn lane warranted only if a second site access to Mission Road is not established.

Access to the Wildhorse site is proposed to be a single site which would be located along the main entrance road to the Wildhorse Resort, either directly across from the Wildhorse Resort driveway (535 feet from the Highway 331 intersection) or equidistant between this driveway and the Wildhorse Hotel access (1,025 feet from the Highway 331 intersection).

Off-site improvements needed if the Wildhorse site is selected for development will consist of establishing four-way stop-control at the intersection of Highway 331/Mission Road when the first phase of the development is constructed, with a traffic signal ultimately needed at this intersection when all phases of development are complete. At the intersection of Highway 331/Wildhorse Resort Entrance Road, southbound left-turn lane will be warranted.

Environmental Consequences:

Alternative 1 – Stanhope Site (Preferred Action)

Traffic at the Proposed Action site will increase as a result of the development of the site. This impact to the increase of traffic will be mitigated as identified in the Master Plan for the Umatilla Governance Center. Currently the four-way stop at the Highway 331 and Mission Road intersection has been implemented. A result of the relocation of the Emergency Operations Center, as well as the CTUIR Police Station, will be better access to major arterials and reduction in the amount of emergency traffic through the Community Center. Therefore, traffic levels in the Mission Community would be reduced.

Alternative 2 – Wildhorse Site

The increase in traffic will be similar to that of Alternative 1. Both sites are located along Highway 331 outside of the Mission Community.

Alternative 3 – No Action Alternative

The No Action Alternative would not result in increased impacts to traffic in the area.

4.7 Hazardous Wastes and Materials

Visual observation of Alternative 1 and 2 sites did not reveal obvious existing or potential hazardous materials; substances or conditions and no drums or other sources of potential hazardous materials were observed. Alternative 1 does have an existing home site and barn located on it that contains a septic tank, drain field and farm equipment which could have leaked limited amount of fuel and oils. Both alternatives would result in the existing police station building be used by the Nixyaawii Community School for additional classrooms.

A report by conducted by Innovative Emergency Management on April 1, 2003 had indicated that there are three possible sources for hazardous materials spills on CTUIR

land. Depending on the severity and location of the spill, the proposed Public Safety Building and Emergency Operations Center would likely be put on alert or fully activate.

- 1) I-84 bisects the Reservation and serves as a major east-west thruway for the northwest region of the United States. Approximately 29% of trucks traveling on this interstate carry hazardous materials which could overturn.
- 2) A major railroad also bisects the Reservation. The railroad carries various types of hazardous materials which could potentially derail.
- 3) Three major underground pipelines also run through the Reservation: one oil pipeline and two natural gas pipelines. The pipeline through the reservation could burst.

Also, a few fixed locations on the Reservation handle large amounts of hazardous materials. The largest are the Arrowhead Truck Stop, which has combustible liquids, and the Athena airstrip, which houses an agricultural chemical cropspraying operation. Research for this study did not reveal any accidents involving hazardous materials at a fixed location within the Reservation. However, as long as chemicals are being stored on Reservation property, the CTUIR Fire Department needs to be aware of the possible threat.

Innovative Emergency Management recommends that the CTUIR use the Stanhope property as the location for sitting its proposed public safety center. This site provides the best combination of operational flexibility, access, and hazard resistance of the sites considered. It is located close to I-84, in proximity to population centers, and is not likely to be threatened by a chemical stockpile emergency. This site is located within 2 miles of I-84, approximately a mile from the pipeline and ½ mile to the railroad.

Environmental Consequences:

Alternative 1 – Stanhope Site (Preferred Action)

Construction of the new facility at the Preferred Action site would not disturb any hazardous materials or create any potential hazard to human health. If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination would be initiated in accordance with applicable federal, state and local regulations. The contractor would take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area, according to the specifications of applicable permits required for the project.

Alternative 2 – Wildhorse Site

For the same reasons discussed in the Preferred Action alternative, construction of the new facility at the Wildhorse site would not disturb any hazardous materials or create any potential hazard to human health. If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination would be initiated in accordance with applicable federal, state and local regulations.

Alternative 3 – No Action Alternative

The No Action alternative would not disturb any hazardous materials but it could create a potential hazard to human health. The development of this site is to create a facility to house an Emergency Operations Center & Dispatch Center, Tribal Police Station, and provide emergency management, HAZMAT and Fire equipment. If this site is not developed the emergency response could be affected causing which in turn could cause a tragic loss of life and property.

4.8 Seismic Safety (EO 12699)

The proposed facility will be built in accordance to all CTUIR Building Codes. The CTUIR has adopted the Uniform Building Code developed by the International Conference of Building Officials (ICBO).

The Columbia basin has been subject to nearly 100 earthquakes in the last 95 years. The largest recorded earthquake registered 6.1 in the city of Athena in 1936.

Environmental Consequences:

Alternative 1 – Stanhope Site (Preferred Action)

The Preferred Action would replace the Tribes existing facility with a seismically sound facility designed in accordance with the seismic codes and standards for the Uniform Building Code.. This would mitigate potential damages and losses to human health and property that could result from future earthquakes from the emergency response facility.

Alternative 2 – Wildhorse Site

This alternative would have the same requirements regarding seismic codes and safety as discussed for Alternative 1.

Alternative 3 – No Action Alternative

No construction would occur under the No Action Alternative. This alternative would result in continued risk to the existing police station due to seismic events.

4.9 Socioeconomic and Environmental Justice (EO 12898)

Executive Order 12898, Environmental Justice, directs federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects on minority and low-income populations in the United States resulting from federal programs, policies and activities.

The Preferred Action site is located within the Mission CDP in the Umatilla Indian Reservation. The 2000 U.S. Census Bureau lists the population of the Mission CDP as 1,019 and the population of the Umatilla Indian Reservation as 2,927 which are served by

the CTUIR Police and Emergency Operations. Of these residents approximately 60% of the Indian families Reservation wide are considered low to moderate income.

The development of the preferred site is centrally located to not only enhance the response time of the Tribal police, fire and hazmat vehicles to the Indian Community but also to the Tribally owned high value properties that provide employment for a majority of the Indian people on the Reservation.

Environmental Consequences:

Alternative 1 – Stanhope Site (Preferred Action)

The Preferred Action would benefit the population serviced by the Tribe by providing an upgrades emergency response capability and would prevent unnecessary loss to property and lives within the Reservation. 65.5% American Indian and Alaska Native (AIAN) families living in the Mission CDP are considered low/moderate income and 60.2% AIAN families living within the Umatilla Indian Reservation are low/moderate income. Alternative 1 would not have a disproportionately high or adverse effect on any low-income or minority populations, would not cause adverse economic impacts, and is compliant with EO 12898.

The project will result in the permanent displacement of one tenant family consisting of 2 persons currently renting the residence on the property from the Tribe. The Tribe will follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing government-wide regulation at 49 CFR part 24 for relocating the family.

Alternative 2 – Wildhorse Site

For the same reasons discussed in the Preferred Action alternative, the relocation of the Police station and Emergency Operations Center to the Wildhorse site complies with EO 12898. However, no residents are present and would require relocation.

Alternative 3 – No Action Alternative

The No Action Alternative would have no impact on any low-income or minority populations.

4.11 Land Use

The current land use of both alternatives is Agricultural. The Preferred site was rezoned to a Public Use District to permit the planned use on the site. On April 18, 2005 the Board of Trustees rezoned the Stanhope Property to allow the Public Safety Building and other government facility buildings to be built on the site consistent with the Umatilla Master Government Center Plan planned uses. The Preferred Action alternative is described as tax lots # 1100 and 1200 located in the Northeast quarter of the Southeast quarter of Section 9, Township 2 North, Range 33 East, W.M. The acreage's for the

subject properties are 18.03 acres m/l for tax lot # 1100 and 10.70 acres m/l for tax lot # 1200.

The Public Safety Building project is consistent with the following goal and direct objectives of the Comprehensive Plan, Adopted May 16, 1996 by the Board of Trustees:

A. Community Facilities Goal:

“To provide, improve and maintain needed community facilities for present and future generations of Tribal Members.”

B. Objective:

“Seek opportunities for joint use or shared facilities with others.”

C. Objective:

“Locate community government facilities where they will conveniently serve community needs and are compatible with existing and planned land uses.”

The Public Safety Building project is also consistent with and supported by other Planning Policies and studies:

A. The 1998 Mission Community Plan adopted the following Fire Protection and Emergency Services, Tribal Government Lands and Future Land Use Map designation policy:

- a. “Improve emergency response capabilities particularly to areas of high value structures and high risk to human life”;
- b. “Provide convenient access of all types to other Tribal Facilities from the Tribal Government”;
- c. The project site is designated for “Government Facilities”.

The following studies and analysis were done to assure the Public Safety Building was coordinated with and strategically sited in the context of other Tribal Government functions and needs in order to share common facilities promote complimentary benefits:

- A. “Site Analysis, Facility Needs Assessment and Functional Models – Jones and Jones Architects, April 2001.
- B. “Tribal Government Office Complex Site Assessment and Comparisons”, Jones and Jones Architects, July 2003; Addendum Public Safety Building/Emergency Operations Center.
- C. “Umatilla Governance Center”, Jones and Jones Architects, August 31, 2004.
- D. “Cultural Resources Survey of the Stanhope Property”, CTUIR Cultural Resources Protection Program, May 4, 2004.
- E. “Boundary and Topographical Survey for Stanhope Property”, Cascade Design Professionals, LLC., February 2004.

All required permits for construction will be secured by the contractor from Tribal Planning Office, Public Works Office, Oregon Department of Transportation and Umatilla County.

Construction monitoring and inspections will be performed by the Tribal Planning Office, Tribal Public Works Department, Jones and Jones Architects, Cascade Design and the Cultural Resources Protection Program.

Environmental Consequences:

Alternative 1 – Stanhope Site (Preferred Action)

The Preferred Action conforms to the current Planning and Zoning Designations and no negative impacts are anticipated.

Alternative 2 – Wildhorse Site

If this site is chosen it will require a zone change from Agricultural Designation to Public Use. Also, the development of this site would not conform to the Mission Community Plan and would require an amendment to the Plan.

Alternative 3 – No Action Alternative

The No Action Alternative would have no impact on the current land use. However, it would not be consistent with the Comprehensive plan.

5.0 CUMULATIVE IMPACTS

Cumulative impacts are those effects on the environment that result from the incremental effect of the action when added to past, present and reasonably foreseeable future actions, regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

The CTUIR have experienced continued growth and is rapidly outgrowing the existing Government Offices at the July Grounds off Mission Road. In 2001 the Tribes identified the need to replace the existing modular facilities with a complex of new buildings. Through an extensive assessment and comparisons of various sites throughout the Reservation, the Preferred Action site was considered the best site for the development of the Umatilla Governance Center. It is anticipated that future expansion beyond the development of the Public Safety Building at the Preferred Action site will be carried out in phases as planned by the CTUIR. Cumulative effects of that development along with this proposed project would be considered for each completed phase. However, future development of the remainder of the site is not definite at this time due to lack of funding. There are no other known projects that, when added to the Preferred Action, would have a cumulative impact on the human environment.

As stated above the Umatilla Tribal Public Safety Building (PSB) is the first phase of a project to relocate all Tribal government facilities and services to a master planned site. The Tribal Planning Office under the supervision of Comprehensive Planning Manager Jim Beard has been conducting space needs and siting studies of all Tribal properties.

The Board of Trustees adopted a Resolution on March 1, 2004 directing Tribal staff to complete the Master Development Plan in accordance with the “CTUIR Government Facilities Development Schedule” to assure the Public Safety Building (Emergency Operations Center) will be sited and architectural compatible with future planned construction.

Jones and Jones Design Team completed the overall Master Development Plan at a level of detail so roads and infrastructure can be engineered for the first phase construction of the Public Safety Building. The Master Plan includes a scaled model, elevations and renderings to assure this first building will be compatible with the overall architectural concept for the Tribal Government Complex buildings.

Concurrence on overall site and building character have been reached and site, building, roads and infrastructure plans, specifications and construction documents will be finalized for that portion of the Master Planned site being developed for the Public Safety Building.

The next phases of development will consist of the construction of a Tribal Governance Building, Department of Natural Resources and a Community Outreach Building, contingent upon funding availability.

6.0 PUBLIC INVOLVEMENT

The following is list of public meetings regarding the planning and development of the project.

- i. General Council Meeting, Jones and Jones Architects presented plans and designs for the new Governmental Building and the New Facilities Maintenance Building and Grounds, July 26, 2001.
- ii. Article in the March 2004, Confederated Umatilla Journal regarding the development of Public Safety Building on the Stanhope property using FEMA funding as part of the CSEPP program.
- iii. Open house/ Workshop, Jones and Jones Architects presented the Public Safety Building and CTUIR Headquarters Master Plan at the Tamastlikt Cultural Institute, August 31, 2004.
- iv. Article in the September 2004, Confederated Umatilla Journal regarding the Open house/Workshop conducted by Jones and Jones Architects.
- v. Public Meeting inviting Tribal members and Community Members to solicit comments regarding receiving Indian community Development Block Grant (ICDGB) funding to assist with the construction of the Tribe’s new Public Safety Building (PSB), November 17, 2004. Notice of the Meeting was published in the Confederated Umatilla Journal on November 2004.
- vi. A public hearing for the Zone Change required for the Preferred Action was held by the Natural Resources Commission on February 8, 2005, continued on

February 22, 2005, and concluded on March 8, 2005, in the Tribal Services Building South Conference Room on the Umatilla Indian Reservation. Notice of this hearing was published in *Eastern Oregonian* on January 28, 2005 and in the *Confederated Umatilla Journal* on February 3, 2005.

Due to extensive public involvement prior to the development of this EA, the public will be provided an opportunity to comment on the EA for 15 days after the publication of a public notice in *The East Oregonian and the Confederated Umatilla Journal*. The public notice identifies the action, location of the proposed site, participants, location of the draft EA, and who to write to provide comments. Copies of the public notice will be posted at the Bureau of Indian Affairs, Yellowhawk Clinic, Umatilla Housing Authority, and Mission Market and the EA will be available for review at the CTUIR Tribal Planning Office.

During the 15 day public comment period only one comment was received (please see Appendix B). This comment was from the Dennis Griffin, Lead Archaeologist, Oregon State Historic Preservation Office. Mr. Griffin supports the conclusion that the project will have no affect on any know cultural resources and encourages coordination of project activities with the CTUIR Cultural Resource Protection Program, as stated on page 11. No other comments were received regarding this EA.

7.0 REQUIRED PERMITS, APPROVALS AND COMPLIANCE

The CTUIR is required to obtain all required local, state and federal permits and approvals prior to implementing the Preferred Action and to comply with them. This includes, but is not limited to:

- i. CTUIR Development Permit issued by the Tribal Planning Office
- ii. Well Abandonment Permit and Stream Alteration Permit (if applicable) issued by the Tribal Water Resources Department.
- iii. Public Works Permit for Construction of Water and Sewer Lines, issued by Tribal Public Works Department
- iv. Various State and County permits for road access.

In the event historically or archaeologically significant materials or sites (or evidence thereof) are discovered during the implementation of the project, the project shall be halted immediately and all reasonable measures taken to avoid or minimize harm to property. The CTUIR would then be required to consult with the Cultural Resources Protection Program for further guidance.

8.0 CONCLUSION

As described in the various resources potentially impacted by this proposal, no significant environmental impacts to the human or natural environment are anticipated. Upon

conclusion of the public comment period, FEMA intends to finalize this EA should no further issues be identified or brought to FEMA's attention that requires major revisions. Should no comments be received, FEMA shall conclude its NEPA review and issue a Finding of No Significant Impact (FONSI).

9.0 REFERENCES

9.1 General

Confederated Tribes of the Umatilla Indian Reservation, *Resolution 05-052, Authorizing Rezoning of Stanhope Property*; April 18, 2005.

Confederated Tribes of the Umatilla Indian Reservation Planning Office; *2004 Indian Community Development Block Grant, Demographic Data and Certification Form*, November 2004.

Confederated Tribes of the Umatilla Indian Reservation Planning Office; *Comprehensive Plan*, May 15, 1996.

Confederated Tribes of the Umatilla Indian Reservation Planning Office; *Mission Community Plan*, June 17, 1998.

Confederated Tribes of the Umatilla Indian Reservation and U.S. Army Corps of Engineers, *Upper Umatilla River Flood Study*; July 1999.

David Evans and Associates, Inc, *Confederated Tribes of the Umatilla Indian Reservation – Indian Reservation Transportation System Plan – Final*; September 2001.

Olson, Shanna; Water Quality Specialist, Confederated Tribes of the Umatilla Indian Reservation Water Resources Program., Memorandum to Jim Beard, CTUIR Planning Department, November 18, 2004.

Scheeler, Carl; Wildlife Program Manager, Confederated Tribes of the Umatilla Indian Reservation Department of Fish and Wildlife, Memorandum to Justin Baerlocher, CTUIR Planning Department, March 15, 2005.

Scheeler, Carl; Wildlife Program Manager, Confederated Tribes of the Umatilla Indian Reservation Department of Fish and Wildlife, personal communication.

Wagoner, INC., PS, David Evans and Associates, INC., and Frerichs Economic Consulting Services, *Gaming Facility Environmental Assessment*; April 1994.

9.2 Maps

Ceded Territory of the Confederated Tribes of the Umatilla Indian Reservation map, Confederated Tribes of the Umatilla Indian Reservation GIS Department.

Umatilla Indian Reservation map, Confederated Tribes of the Umatilla Indian Reservation Planning Office.

9.3 Site Information

Cascade Design Professionals, LLC, *Boundary and Topographical Survey for Stanhope Property*. February 2004.

Confederated Tribes of the Umatilla Indian Reservation, Cultural Resources Protection Program, *Cultural Resources Survey of the Stanhope Property for the Proposed Tribal Office Complex, Umatilla Indian Reservation, Umatilla County, Oregon*; May 4, 2004.

Confederated Tribes of the Umatilla Indian Reservation, Cultural Resources Protection Program, *A Cultural Resources Inventory of the Proposed Interpretive Center and Gaming Facility Locations of the Confederated Tribes on the Umatilla Indian Reservation, At Mission, Umatilla county, Oregon*; March 1994.

Innovative Emergency Management, *Design for the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Emergency Operations Center (EOC)*; April 1, 2003.

Jones & Jones Architects and Landscape Architects, *Site Analysis Facility Needs Assessment Functional Models*; April 2001.

Jones & Jones Architects and Landscape Architects, *Tribal Government Office Complex Site Assessments & Comparisons*; July 8, 2003.

Jones & Jones Architects and Landscape Architects, *Umatilla Governance Center*; August 31, 2004.

Jones & Jones Architects and Landscape Architects, *Umatilla Governance Center Master Plan*; January 27, 2005.

Jones & Jones Architects and Landscape Architects, *Umatilla Public Safety Building, Floor Plan, Job No.22021.204, Drawing No. A-100* ; February, 2005.

APPENDIX A – PUBLIC NOTICE

PUBLIC NOTICE Notice of Availability of the Draft Environmental Assessment (EA) for the Development of a Public Safety Building, Confederated Tribes of the Umatilla Indian Reservation

Interested persons are hereby notified that the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) is proposing to provide funding assistance for the construction of the Confederated Tribes of the Umatilla Indian Reservation Public Safety Building. The facility will provide space for Tribal Police, the Emergency Management Program, Central Dispatch and fire equipment and hazmat response vehicles. Partial funding for this project is provided through the Chemical Stockpile Emergency Preparedness Program (CSEPP). The remaining funds will come from Indian Community Development Block Grant Program (ICDGB).

Under the National Environmental Policy Act (NEPA) of 1969 and the implementing regulations of FEMA, a draft Environmental Assessment (EA) has been prepared. FEMA is required to review the Proposed Action and possible alternative solutions to evaluate the potential impacts on the human and natural environment. Three alternatives were evaluated in the EA: No Action, constructing a new facility at the Stanhope Property located in the area southwest of the Highway 331 and Mission Intersection (Preferred Action), and construction of a new facility at the area northeast of Highway 331 and Wildhorse Resort driveway (located north of Wildhorse Resort and Casino). Compliance with applicable Executive Orders and other environmental laws are documented in the EA.

Several open houses/workshops and public meetings have been held on this project to gather public input. A public hearing for the Zone Change required for the Preferred Action was held by the Natural Resources Commission on February 8, 2005, continued on February 22, 2005, and concluded on March 8, 2005, in the Tribal Services Building South Conference Room on the Umatilla Indian Reservation, 73239 Confederated Way, Pendleton, Oregon 97801. Notice of this hearing was published in Eastern Oregonian on January 28, 2005 and in the Confederated Umatilla Journal on February 3, 2005.

Copies of the draft EA are available for viewing at the CTUIR Tribal Planning Office, 73239 Confederated Way, Pendleton, OR 97801, (541) 276-3099. The EA is also available for review online at the FEMA environmental website at <http://www.fema.gov/ehp/docs.shtm>. Due to extensive previous public involvement during the development of this project, the comment period for this EA will be open for 15 days after publication of this notice. If no comments are received, then FEMA will issue a Finding of No Significant Impact (FONSI) and no further public notice will be made.

Comments about the EA should be submitted in writing to Mark Eberlein, Regional Environmental Officer, FEMA Region X, 130 228th Street SW, Bothell, WA 98021, or by fax: 425-487-4622 or by e-mail to mark.eberlein@dhs.gov within fifteen (15) days of this notice.

APPENDIX B – PUBLIC COMMENT LETTERS



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St. NE, Suite C

Salem, OR 97301-1271

(503) 986-0707

FAX (503) 986-0793

www.hcd.state.or.us

July 18, 2005

Mr. Justin Baerlocher

CTUIR

PO Box 638

Pendleton, OR 97801

RE: SHPO Case No. 05-1765

CTUIR Public Safety Building Construction Project

2N 33E 9, Pendleton - Stanhope property Umatilla County

RECEIVED

JUL 21 2005

TRIBAL PLANNING OFFICE

Dear Justin:

Our office recently received your report about the project referenced above. I have reviewed your report and agree that the project will have no affect on any known cultural resources. A cultural resource report for the project area has already been received and reviewed by our office and no cultural resources were found. No further archaeological research is needed with this project. It is important, however, that your project team coordinate their activities with the CTUIR Cultural Resource Protection Program due to the presence of at least two known burial areas near the boundaries of your proposed project. Consultation with this program will insure that no significant cultural sites are disturbed unintentionally.

Please be aware, however, that if during development activities you or your staff encounters any cultural material (i.e., historic or prehistoric), all activities should cease immediately and an archaeologist should be contacted to evaluate the discovery. Under state law (ORS 358.905-955) it is a Class B misdemeanor to impact an archaeological site on public or private land in Oregon. Impacts to Native American graves and cultural items are considered a Class C felony (ORS 97.740-760). If you have any questions regarding any future discovery or my letter, feel free to contact our office at your convenience.

Dennis Griffin, Ph.D., RPA

SHPO Lead Archaeologist

(503) 986-0674

dennis.griffin@state.or.us